

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES JEFFERSON KENNER,

Petitioner,

vs.

JAMES BENEDETTI, *et al.*,

Respondents.

3: 08-cv-00489-ECR-RAM

**ORDER**

Petitioner, a state prisoner, is proceeding *pro se* in this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 8, 2010, the court entered an order, granting in part and denying in part respondents' motion to dismiss. (Docket #30.) In the order, the court gave petitioner options as to how he could proceed. (*Id.*)

On November 18, 2010, petitioner filed a motion to dismiss his unexhausted claims, stating that he wanted to abandon his unexhausted claims and proceed on part one of ground one only. (Docket #31.) On December 3, 2010, petitioner filed a notice of abandonment of his unexhausted claims. (Docket #32.)

**IT IS THEREFORE ORDERED** that petitioner's motion to dismiss his unexhausted claims is **GRANTED**. (Docket #31.) This case shall proceed on part one of ground one only, the

1 claim that trial counsel failed, without petitioner's consent, to file a notice of appeal after his  
2 sentencing. All other claims are dismissed as abandoned.

3 **IT IS FURTHER ORDERED** that respondents shall file an answer to the remaining claim  
4 in this action within twenty-eight (28) days of the date of entry of this order. Petitioner is granted  
5 fourteen (14) days thereafter to file a reply.

6  
7 DATED this 6th day of December, 2010.

8   
9 UNITED STATES DISTRICT JUDGE